

Are Authors of Industrial Property Encouraged?

Mekhmonov Kambariddin Miradxamovich

*professor of TSUL
qambariddin@gmail.com*

Abstract

The article discusses the problems associated with encouraging authors of industrial property objects, with an emphasis on stimulating creative activity. Obstacles are analyzed, such as the lack of financial and organizational support in the early stages of development and protection, as well as the difficulty of obtaining patents and licenses, which can negatively affect the motivation of authors. It also raises the issue of unfair rewards and limitations of incentive programs, which can lead to a decrease in motivation in the innovation field. The experience of legal decisions in the academic field is analyzed and improvements to the legislation are proposed to improve incentives for authors.

Keywords: *stimulation, author, creativity, industrial property, intellectual property, state support for creativity, improvement of legislation.*

INTRODUCTION

When creating a particular innovation, it is necessary to decide under what name it should be included in civil circulation. In some cases, authors name their creations after themselves. For example, in 1817, James Parkinson ("An Essay on the Shaking Palsy") introduced what is now known as Parkinson's disease, and Sergei Botkin introduced "viral hepatitis A" (also known as Botkin's disease) into scientific circulation¹.

It should be noted that such names are also given to objects of industrial property. For instance, Thomas Edison invented the incandescent light bulb, Karl Benz, the founder of Mercedes-Benz, invented the first automobile powered by an internal combustion engine, and Alexander Fleming discovered penicillin.

Of course, the author has the right to name an object of industrial property, but in some cases, this may cause inconvenience to their descendants if the name resembles that of a disease. The law does not specifically address the right to name an invention. Instead, invention regulations stipulate that the title of the invention must correspond to its description, be clear, concise, and reflect its essence, among other requirements. However, it is crucial to consider whether the name is descriptive or suggestive rather than overly personal. In most cases, objects of industrial property have been remembered in history thanks to the surnames of their inventors.

¹<https://ru.wikipedia.org>

During the times of the former union, there was a system of awarding various state honors, honorary titles, and medals. For instance, significant attention was devoted to the cultivation of cotton, raising questions about incentivizing research in this domain. For example, it is known that a USSR prize was awarded for a new variety of cotton. However, the lack of systematic encouragement did not sufficiently acknowledge authors' efforts, and minimal recognition failed to adequately stimulate creativity.

Presently, in numerous cases, the outcomes of creative endeavors are preserved in documents and archives. The lack of knowledge and skills in this area among the populace, especially among entrepreneurs, prevents effective utilization. Their insufficient interest in integrating the outcomes of intellectual activities into their operations and systematic implementation exacerbates the issue².

The absence of necessary and conducive conditions for artists undermines their desire and motivation for development. Ineffective collaboration between responsible organizations and government agencies further compounds the issue. Additionally, the integration of scientific advancements into practice and the dearth of experienced scientists exacerbate the problem.

Educational institutions fail to actively foster appreciation for artistic creativity. Measures to combat the illicit use of artworks in educational programs and prevent plagiarism are inadequately enforced. Moreover, efforts to combat counterfeit products and safeguard rights during export and import operations are poorly organized.

These deficiencies impede industrial development in the country, curtail economic growth, hinder export opportunities, limit investment attraction, and impede social progress. While certain foundational principles are codified in law, there remain unresolved issues. One of the primary challenges is identifying optimal methods to integrate objects of industrial property into production. It is imperative to define and codify, at the legislative level, the fundamental principles governing commercial transactions involving intellectual property, including industrial property, to effectively safeguard the interests of copyright holders.

Incentives for authors of industrial property are multifaceted, and it is crucial to strike a balance, a "golden bridge," between safeguarding authors' rights and serving the public interest. Various forms of incentives exist for authors of industrial property objects. The practice of paying licensing fees or royalties for the utilization of industrial property is widespread globally, enabling authors to earn additional income from their technologies, inventions, or intellectual property.

Research by Zursby indicates that scientists and engineers do not necessarily require patents to innovate and be incentivized. The existing system of incentives for compensation for scientific activities offers ample motivation for creativity and the dissemination of knowledge to the public. Rosenberg also shares a similar perspective, asserting that research endeavors, technological advancements, and the creation of scientific knowledge occur independently of economic incentives and demands³.

Long confirms this fact by observing that patenting serves as a mechanism for disseminating knowledge. Patent holders do not always utilize patents solely for financial gain; they may also

²Uzbekistan Republic Presidential 2022 April 26 "Intellectual mulk sohasini yanada rivozhlantirishga oid q'ymcha chora-tadbirlar tugrisida"gi PQ-221-son Karori. //Konunchilik malumotlari milliy bazasi, 04/26/2022, 07/22/221/0357-son

³Rosenberg, N. (1974). Science, invention and economic growth. *The Economic Journal*, 84, 90–108. doi:10.2307/2230485

seek other incentives, such as enhancing recognition and generating interest through the dissemination of knowledge⁴.

According to Jensen and Murray, the majority of university research is commercially biased. This implies that research findings can be published in scientific journals, contributing to public knowledge, while also being utilized for commercial purposes. An academic inventor has the ability to demonstrate the value of their research both as a scientific innovation and a potential commercial product⁵.

The current legal system of Uzbekistan stipulates that the primary basis for recognizing and rewarding authors, including the conferral of academic degrees and titles, will be the document of legal protection obtained by the authors of industrial property objects, namely a patent. In our country, 98.6% of candidates for the Doctor of Philosophy (PhD) degree have defended their dissertations through open defense, while only 1.4% have defended their dissertations based on patents for inventions and selection achievements⁶.

Encouragement should align with the principles of civil law regulation. It is proposed to amend the Civil Code by adding Article 1082¹:

“Article 1082¹. State Incentives for the Creation and Utilization of Inventions, Utility Models, and Industrial Designs

The state promotes the creation and utilization of inventions, utility models, and industrial designs, providing benefits to their authors, patent holders, and licensees employing these inventions, utility models, and industrial designs, in accordance with the legislation of the Republic of Uzbekistan.”

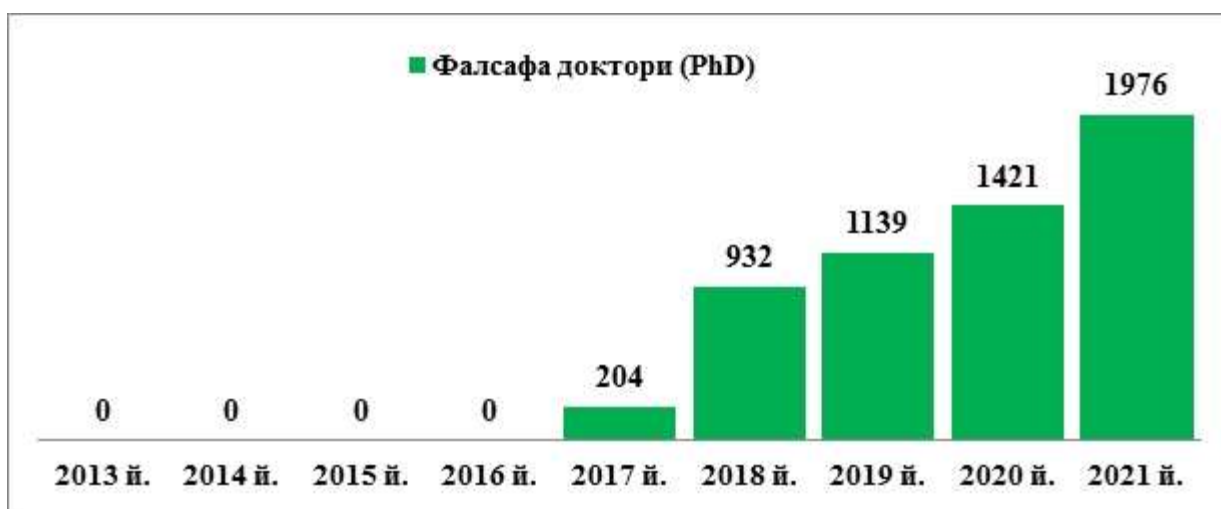
The incorporation of innovations into the educational process also holds significant importance. Support for creators can be bolstered by integrating innovation and patents into the curriculum. Establishing specialized educational courses and training programs to assist students and researchers in understanding the patenting process and commercialization of research findings naturally fosters interest in innovative scientific endeavors. Moreover, it is advisable to offer scholarships or grants for scientific projects that lead to patent applications.

Special attention is directed towards increasing women's participation in public life, leading to unique approaches across various fields. How does this impact the advancement of scientific research? According to data, the representation of women among those approved at the scientific level is 31% for Doctors of Science (DSc) and 37% for Doctors of Philosophy (PhD). Addressing disparities in the proportion of women pursuing PhDs and postdocs, and ensuring equal opportunities in research, demands attention and concerted action.

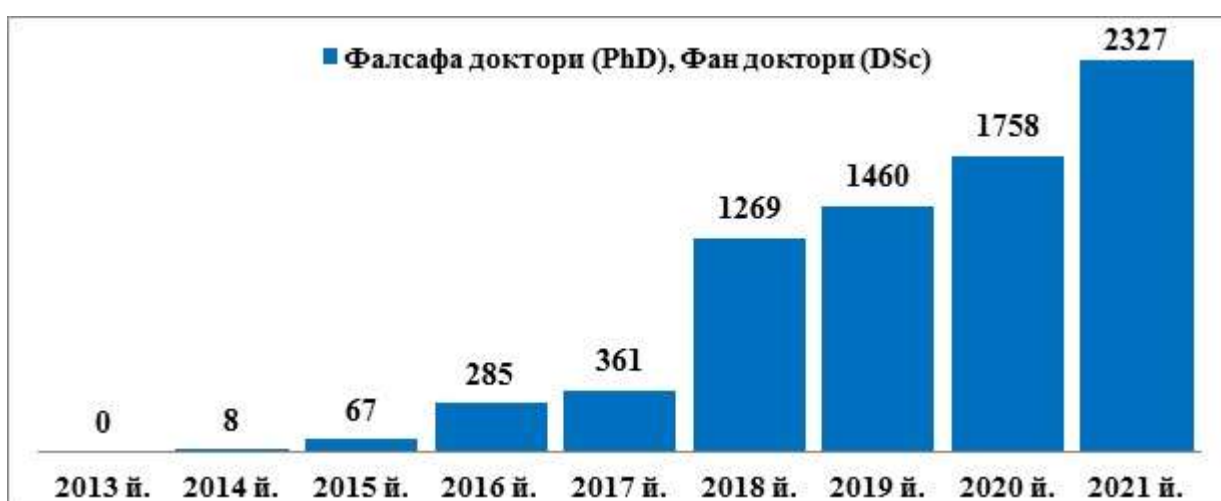
⁴Long, C. (2002). Patent signals. *The University of Chicago Law Review*, 69, 625–679. <https://doi.org/10.2307/1600501>; Long, J. S., & Freese, J. (2006). *Regression models for categorical dependent variables using STATA* (2nd ed.). College Station: Stata Press.

⁵Jensen, K., & Murray, F. (2005). The intellectual property landscape of the human genome. *Science*, 310(10), 239–240. doi:10.1126/science.1120014.

⁶<https://oak.uz/pages/9049>



Approval of candidates for the degree of Doctor of Philosophy (PhD) by year



As evident from the provided data, only 1.4-1.6% of individuals were motivated for their scientific work based on inventive or selection achievements. However, it remains unclear to what extent these inventions possess commercial value for the economic sector. Patents issued for technologies with high value in global markets serve as crucial sources of income.

Incentives for holders of industrial property rights, including authors, are of utmost importance. As illustrated above, the incentives for inventors through the awarding of academic degrees in our country are notably low (1.4-1.6%). Yet, to foster economic growth for authors, it is imperative to establish a system of diverse incentives and benefits. Industrial property objects occupy a unique and vital position in development.

References

1. <https://ru.wikipedia.org>
2. Uzbekistan Republic Presidential 2022 April 26 “Intellectual mulk sohasini yanada rivozhlantirishga oid q‘yimcha chora-tadbirlar tug‘risida”gi PQ–221-son Karori. //Konunchilik malumotlari milliy bazasi, 04/26/2022, 07/22/221/0357-son
3. Rosenberg, N. (1974). Science, invention and economic growth. *The Economic Journal*, 84, 90–108. doi:10.2307/2230485

4. Long, C. (2002). Patent signals. *The University of Chicago Law Review*, 69, 625–679. <https://doi.org/10.2307/1600501>; Long, J. S., & Freese, J. (2006). *Regression models for categorical dependent variables using STATA* (2nd ed.). College Station: Stata Press.
5. Jensen, K., & Murray, F. (2005). The intellectual property landscape of the human genome. *Science*, 310(10), 239–240. doi:10.1126/science.1120014
6. <https://oak.uz/pages/9049>